

### **REMARKS**

Claims 1-13, 15 and 18 are now pending in the application. Claims 1, 12, 15, and 18 are amended. Claims 14, 16, 17, 19, and 20 are cancelled. No new matter is presented. Claims 1-10, 12, 13, 15, 16, 18, and 19 stand rejected under 35 U.S.C. § 103(a). Applicants acknowledge the Examiner for indicating that claims 11, 14, 17, and 20 contain allowable subject matter. The above amendments and the following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

Claims 1, 12, 15, and 18 are amended to incorporate the features recited in claims 11, 14, 17, and 20. The amendments to independent claims 1, 12, 15, and 18 are provided to expedite the prosecution of the present application and in no way should it be construed to be an admission that the Examiner's rejection of claims 1-10, 12, 13, 15, 16, 18, and 19 are proper. Claims 1, 12, and 16 are also amended to overcome the cited objections. No new matter is presented. In view of the amendments to claims 1, 12, 15, and 18, Applicants request the withdrawal of all the cited objections and rejections.

Claims 1-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh. (U.S. Patent No. 6,527,361). This rejection is traversed and believed overcome in view of the following discussion.

Gotoh is directed to an ink jet recording apparatus having a plurality of recording heads using inks of different lightness. Gotoh further discloses a method that includes an initial discharge step for discharging ink from a recording head, interrupting the discharge of ink for an appropriate period set in accordance with the ink lightness, and discharging ink again from the discharge ports of the recording head after the interruption.

The Examiner indicates that although Gotoh does not expressly disclose that the second mode is the mode in which the ink ejecting actions are performed continuously without the non-ejection pause, it would have been obvious to switch to a flushing mode in

which ejections are performed continuously without the non-ejection pause using the mode-switching controller of Gotoh. The Examiner further states that the motivation for doing so is provided by the fact that Gotoh discloses completely draining the mixed ink in the nozzle that had appeared from the preceding suction operation. Applicants respectfully disagree.

Gotoh states that “completely drain the mixed ink in the nozzle, the preliminary ejection has to be performed a number of times, which uses excessive ink and takes a long time”. (See Column 2, Lines 39-41). Thus, Gotoh clearly discloses that completely draining the mixed ink takes a long time and uses excessive ink and therefore is not favorable. As a result, Gotoh does not provide the motivation for a second mode as provided in the claimed invention since it teaches away from the claimed invention.

Since claims 1 and 12 are amended to incorporate the allowable features of claim 14, Applicants request the withdrawal of the rejection of claims 1 and 12 under 35 U.S.C. 102(e).

Claims 2-10 and 13 are dependent upon independent claims 1 and 12. Therefore, it is submitted that for at least the reasons mentioned above, claims 2-10 and 13 recite patentable subject matter. Accordingly, Applicants request the withdrawal of the rejection of claims 2-10 and 13 under 35 U.S.C. 102(b).

Claims 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh et al. in view of Lin et al. (U.S. Patent No. 6,701,593). The Examiner takes the position that the combination of Gotoh and Lin teach or suggest all the features recited in claims 15, 16, 18, and 19. Applicants respectfully disagree.

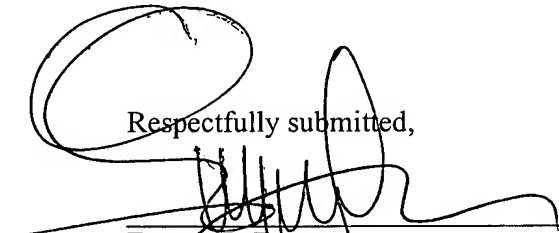
Lin is directed to an ink cartridge having a piezoelectric jet module having an ink storage module comprising a hollow ink storage region, a piezoelectric jet module having a plurality of ink chambers and a connection circuit, and an ink channel connected to the ink storage module and to the piezoelectric jet module.

It is respectfully submitted that the combination of the cited references fail to teach or suggest all the features recited in claims 15, 16, 18, and 19. First, the cited references fail to

teach or suggest a second mode as provided in the claimed invention. In addition, the cited referenced neither alone or in combination teach or suggest the flushing control portion having the two modes of operation. Finally, claims 15 and 18 are amended to incorporate the features of claim 20, which has been indicated to be allowable. Therefore, Applicants request the withdrawal of the rejection of claims 15 and 18 under 35 U.S.C. 103(a).

In view of the above amendments and remarks, Applicants submit claims 1-13, 15 and 18 recite subject matter that is neither taught nor suggested by the applied references. Thus, for the reasons presented above, the pending claims are believed by Applicant to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted,



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